

COLLEGE STUDENTS' PERCEPTIONS OF SEXUAL CONSENT

BY

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ABSTRACT

Consent is a key issue in defining sexual violence, yet few studies have examined the normative ways that college students believe that ambiguous behaviors should be interpreted within a sexual encounter. In the present study, 202 undergraduate men and women completed a questionnaire designed to examine to what degree participants thought a hypothetical initiator should assume that the behaviors of a hypothetical responder indicated consent to sexual intercourse. We tested how such judgments (i.e., consent ratings) were affected by participant gender, responder gender, and initiation type (verbal or nonverbal). Exploratory factor analysis of 26 responses indicated four factors, which we labeled as different response types: Positive-reciprocal responses, Positive responses, Unclear responses, and Clear Negative responses. Results indicated a main effect for participant gender, such that men gave higher consent ratings than women, which was partially explained by increased rape myth acceptance. Additionally, an interaction was found between response type, responder gender, and initiation type. Findings may have implications for how colleges judge student sexual misconduct cases and for student sexual violence prevention programs.

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College Students' Perceptions of Sexual Consent

Many women experience rape and other forms of sexual coercion during their time in college (Fisher, Cullen, & Turner, 2000; Gross, Winslett, Roberts, & Gohm, 2006; Himelein, 1995; Krebs, Lindquist, Warner, Fisher, & Martin, 2007). For example, in a randomly selected national sample of 4,446 college women, 1.7% of the women reported having experienced rape—defined as unwanted vaginal, oral, or anal penetration completed by force or threat of force—in the last six months (Fisher, et al., 2000). According to the Bureau of Justice Statistics, women are at the greatest risk for rape when they are between ages of 16 and 24 (U.S. Department of Justice, 2003).

In an effort to reduce rates of sexual violence against college women, on April 4, 2011, the Office of Civil Rights (OCR) of the U.S. Department of Education issued a “Dear Colleague Letter” (OCR, 2011, p. 1). The Department determined this letter to be a “significant guidance document” issued to “provide recipients with information to assist them in meeting their ... legal obligations” (p. 1). This letter reminded schools that Title IX of the Education Amendments of 1972 prohibits discrimination based on sex, and it explained that the “sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination” (p. 1). It defined *sexual violence* as

physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. ... A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX. (OCR, 2011, pp. 1-2)

The letter stated that Title IX covers sexual violence that occurs on school grounds or during school-sponsored programs; furthermore, in some cases, “schools may have an obligation to respond to student-on-student sexual harassment that initially occurred off school grounds, outside a school’s education program or activity” (p. 4). As with other reported incidents of sex discrimination, the school is responsible for investigating these cases. Specifically,

“if a school knows or reasonably should know about student-on-student harassment that creates a hostile environment, Title IX requires the school to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects. ... As part of these procedures, schools generally conduct investigations and hearings to determine whether sexual harassment or violence has occurred” (OCR, 2011, p. 10).

Because the OCR’s definition of sexual violence refers to sexual acts “against a person’s will” or without “consent” (OCR, 2011, p. 1), it is likely that during such investigations and hearings, schools will need to decide whether the sexual acts in question were consensual or nonconsensual. A review of the literature, however, reveals that the distinction between consensual and nonconsensual sex is not always clear. Many individuals convey their consent only indirectly—that is, they use signals that require the other person to make inferences about the meaning of the signal (e.g., Hickman & Muehlenhard, 1999). This lack of clarity makes it difficult for any hearing panel to determine whether or not it was reasonable for the defendant to assume that a complainant had consented to the sexual act in question.

The purpose of the proposed study is to investigate students’ perceptions of how reasonable it is to infer consent from various sexual behaviors. In the literature review that follows, I will first review how some researchers have conceptualized consent. Then, I will review studies of sexual consent chronologically, beginning in 1979. Focus will be given to the

studies' methods, as well as findings about how participants report signaling and/or interpreting consent during sexual situations. Findings on how the type of initiation behavior, the gender of the person responding to the initiation, and/or participant gender affected participants' perceptions of consent will be highlighted.

Several terms will be used throughout this paper. The *initiator* refers to the person who makes a sexual advance to suggest that they engage in progressively more intimate sexual behaviors (e.g., moving from touching to oral sex or intercourse). The phrase *initiation* refers to the behavioral strategies employed by the initiator to facilitate a sexual act or to communicate his/her desire to engage in a sexual act. The *responder* is the other person involved in the sexual encounter, who decides whether or not to consent to the sexual act suggested by the initiator. The phrase *response* refer to the responder's reaction to the initiator's sexual overture. A *response* can be a behavior that is verbal, nonverbal, or a combination of verbal and nonverbal.

Conceptualizing Sexual Consent

Researchers have offered various conceptualizations of consent (e.g., Lim & Roloff, 1999; Muehlenhard, 1995/1996; Muehlenhard, Powch, Phelps, & Giusti, 1992). Hickman and Muehlenhard (1999) defined consent to engage in a sexual activity as a "freely given verbal or nonverbal communication of a feeling of willingness" (p. 259). This definition has been widely accepted and used as a basis for research on consent (e.g., Beres, Herold, & Maitland, 2004; Humphreys & Brousseau, 2010; Humphreys & Herold, 2007). Based on Hickman and Muehlenhard's definition, we will use the following conceptualization of consent.

One component in the above definition of sexual consent, the *feeling of willingness*, implies that the responder has made some kind of internal decision that he or she is willing to engage in the sex act. Defining consent by this component alone is problematic because this

cognitive decision-making process is not directly accessible to one's sexual partner. Defining consent as a "purely mental act" (Hickman & Muehlenhard, 1999, p. 259) would mean that the initiator is faced with an impossible task of reading his/her partner's mind to figure out whether or not he/she has made an internal decision to consent. Therefore, the internal feeling of willingness to engage in the sex act is a necessary, but not sufficient, condition of sexual consent.

Another component of Hickman and Muehlenhard's (1999) definition of consent is the behavioral component, in which the responder communicates his or her willingness to engage in the sex act through verbal and/or nonverbal behavior(s). However, although such behaviors can provide the initiator with insight into the responder's internal decision to consent or not, such signals bring their own set of complications. As with all forms of communication, the effectiveness of such expressions depends on the other individuals' ability to correctly interpret the behavioral signal. However, in a sexual situation, the responder's signal of consent or nonconsent is not always interpreted accurately by the initiator. For example, suppose that during a sexual situation, the initiator perceives that the responder's nonverbal behavior of taking off her shirt was evidence that she had consented to having intercourse, and he proceeds to have sex with her, even though she believes that she has not signaled consent to it. It is possible that, in pursuit of the goal of having sex, the initiator intentionally ignored or "selectively misinterpreted" the responder's signals (Hickman & Muehlenhard, 1999, p. 270). However, it is also possible that the initiator may have genuinely misinterpreted the responder's behavior (e.g., Abbey, McAuslan, Zawacki, Clinton, & Buck, 2001; Crawford, 1995).

Another issue that further complicates effective communication of consent is whether yes should be assumed unless no is stated or whether no should be assumed unless yes is stated. That is, to demonstrate that a sexual act was consensual, is it necessary to demonstrate that the

responder expressed consent, or is it sufficient to demonstrate that the responder did not express nonconsent? In other words, should consent be assumed unless nonconsent is expressed, or should nonconsent be assumed unless consent is expressed?

Past Studies on Sexual Consent

McCormick's (1979) study was one of the first to conceptualize sexual strategies as direct or indirect. A sexual strategy is considered to be any behavior used to try to influence a date to have or avoid sex. According to McCormick, a strategy is defined as *direct* if it "depends on the [date's] awareness of how power was being used on them" (p. 197). For instance, some direct strategies include coercion, making a rational argument, and straightforwardly stating whether or not sex was desired. In contrast McCormick claimed that *indirect* strategies "depend on keeping [the partner] ignorant of whether or how power was being used on them" (p. 197). For example, some indirect strategies include body language ("using facial expression, posture, physical distance, and relatively subtle gestures to communicate one's sexual intentions," p. 196), manipulation ("hinting at sexual intentions by subtly altering one's appearance, the setting, or the topic of conversation," p. 196), and deception ("a strategy for having or avoiding sex which relied on giving the date false information," p. 196). McCormick hypothesized that men would tend to use direct strategies to initiate sexual intercourse, and that women would use indirect strategies to initiate or avoid intercourse. However, in her sample of over 200 unmarried college students (120 men and 109 women), she found that both men and women reported using indirect strategies more often than direct strategies to engage in sexual intercourse. Similarly, she found that both men and women reported using direct strategies more often than indirect strategies to avoid having intercourse.

Byers and Lewis (1988) asked college students to track their dating behavior for up to one month. They were particularly interested in how male participants ($n = 51$) and female participants ($n = 70$) qualitatively described situations of sexual disagreement in which “the man desired to engage in a higher level of sexual activity than did the woman” (p. 15). On 10% of the dates that involved some sexual activity, participants reported this type of sexual disagreement. Specifically, 44% of women and 49% of men reported having at least one disagreement. Results indicated that in these situations, most of the men (70%) reported that they initiated the sex act nonverbally, although some men (23%) paired the nonverbal behavior with a verbal request. Both genders reported using more nonverbal behaviors than verbal behaviors in their interactions. Additionally, male participants rated their date’s responses as less definitively indicating consent than female participants rated their own responses.

O’Sullivan and Byers (1992) were interested in how often men and women initiated sexual activity and responded to sexual initiations. Their sample consisted of 105 heterosexual, unmarried college students (50 men and 55 women). For 14 days, participants kept track of whether a sexual activity had been initiated by themselves or by their partner. An initiation was defined as “any communication (verbal or nonverbal) by either partner of a desire to engage in sexual activity when no such behaviors were currently in progress” (p. 437). Authors asked how frequently they engaged in these behaviors over a period of two weeks. If an initiation occurred, participants were asked to describe behaviors that were used to initiate the activity, as well as behaviors used to respond to the initiation. Results indicated that men initiated sexual activity more often than women did. However, men and women reported that they responded positively to sexual initiations at similar frequencies.

Burrow (1997) was interested in how male and female participants interpreted behaviors as indicative of sexual consent. Participants read a description of a date involving a man initiating sexual intercourse with a woman. Participants were asked to read a list of 12 behaviors (some were verbal and others were nonverbal) that the woman might make in response to the man's initiation. Men were instructed to rate the behaviors according to how likely they would be to indicate the responder's consent, and women were instructed to imagine themselves as the responder and rate the behaviors according to how they would likely use the behaviors to indicate consent. The author found that men, compared with women, rated verbal behaviors as more likely to represent consent. However, the study asked men and women to rate the behaviors from different vantage points (i.e., men from third-person point of view and women from first-person point of view) and investigated only the male-initiator, female-responder script.

Hall (1998) examined how sexual consent was signaled by 310 heterosexual college students during their most recent consensual sexual encounter. Participants were men and women who had endorsed the following item: "Have you ever been in a situation where your partner wanted to engage in sexual intercourse (or another very intimate sexual activity), and you fully intended to engage in this activity as soon as you realized what your partner wanted, and you indicated 'yes,' verbally or non-verbally" (para. 34). Participants were asked about their last "sexual experience wherein they indicated 'yes'" (para. 36). They were given a list of 12 common sexual activities (e.g., kissed, touched genitals, etc.) and were asked to indicate the order in which any of these behaviors occurred during their last consensual sexual encounter. Then they were instructed to indicate for each of these behaviors if they had "specifically indicated" that it was okay for the initiator (their partner) to continue (para. 36). For each behavior they had consented to, participants were asked to indicate whether their "yes" signal

was verbal or nonverbal, and to describe the nonverbal behavior if applicable. They were also asked to rate how they felt about this situation using a 7-point scale ranging from 1 (*terrible*) to 7 (*wonderful*). Additionally, participants reported how much experience they had had engaging in each of the reported sexual activities with this partner. Results indicated that nonverbal behaviors were most frequently used by participants when signaling consent to any sexual activity, *except* for intercourse. In situations involving intercourse, participants reported signaling consent using verbal behaviors about half of the time and using nonverbal behaviors the other half of the time.

Hickman and Muehlenhard (1999) published a study that identified and categorized some ways that young adults both signal sexual consent and interpret the signals of others as indicative of sexual consent. The sample consisted of 378 heterosexual male and female college students, 282 of whom had had sexual intercourse. All participants were asked to read and respond to two hypothetical sexual situations described on the questionnaire. In one situation, participants imagined themselves initiating sexual intercourse with a date of the other sex. In this condition participants were instructed to imagine that, “You are very attracted to your date and would like to have sexual intercourse with him/her. You have been out several times, but the two of you have not had sexual intercourse (penile-vaginal intercourse) together before” (p. 263). In the other situation, participants were instructed to imagine themselves as the responder and their date as the initiator; they were asked to imagine that “You and your date have been out several times, but the two of you have not had sexual intercourse (penile-vaginal intercourse) together before” (p. 263). In both situations the descriptions continue with the same statement: “The two of you are finally alone in a private place” (p. 263).

For each situation (i.e., the situation in which participants imagined themselves as the initiator and the situation in which participants imagined themselves as the responder), half of the participants read nonverbal-initiation scenarios, and half read verbal-initiation scenarios. The nonverbal-initiation scenarios read, “You make a sexual advance by sitting close to him/her, and then starting to undress him/her,” and, “He/she sits close to you, kisses you, and starts to undress you” (p. 263); the verbal-initiation scenarios read, “You start to kiss him/her, and you decide to make a sexual advance by asking him/her directly, ‘Will you have sex with me?’” and “He/she starts to kiss you and then asks you directly, ‘Will you have sex with me?’” (p. 263). All participants were asked to indicate whether they could imagine themselves in the situations; participants who could not imagine themselves in a situation were excluded from that analysis. After each scenario, participants were given a list of 34 possible responses and asked to rate how much each response would indicate their date’s consent (if they were the initiator) or their own consent (if they were the responder), using a 7-point scale ranging from 0 (*does not show his/her [your] consent to sexual intercourse*) to 6 (*definitely shows his/her [your] consent to sexual intercourse*). Finally, all participants who had experience with sexual intercourse were asked to indicate how frequently they actually used each of the 34 responses to signal consent in real life, ranging from 0 (*never do this to show consent*) to 6 (*always do this to show consent*).

Hickman and Muehlenhard (1999) used factor analysis to group the 34 responses into types of consent behaviors: *Direct Verbal* (e.g., “you say ‘I want to have sex with you’”), *Direct Nonverbal* (e.g., “you don’t say anything—you just start having intercourse with him/her”), *Indirect Verbal* (e.g., “you ask if he/she has a condom”), *Indirect Nonverbal* (e.g., “you put your hands down his/her pants”), and *No Response* (e.g., “you do not resist his/her sexual advances”; “you do not say ‘no’”). Results indicated that both male and female participants reported that

they most frequently communicated their consent by making no response to their partners' advance during the situation. They rated direct verbal responses as conveying consent more clearly than indirect verbal responses, but they reported using indirect responses more often than direct responses. Authors also found that the type of initiation (verbal or nonverbal) sometimes influenced participants' interpretations of consent.

Koukounas and Letch (2001) investigated differences between male and female participants' interpretations of behavior as indicative of sexual consent. Researchers randomly assigned men and women to watch one of three video clips that depicted a female actor and a male actor interacting nonverbally, at various levels of intensity. The levels of intensity were based on the interaction-intensity levels used by Abbey, Cozzarelli, McLaughlin, & Harnish (1987). Specifically, Koukounas and Letch used low-level intensity (e.g., containing no eye contact or touching), medium-level intensity (e.g., containing occasional eye contact and occasional mutual touching of legs or hands), and high-level intensity (e.g., containing continuous mutual eye contact and hand-holding). At the end of the video clip, male and female participants were both asked to evaluate, using a 7-point scale, how flirtatious, seductive, promiscuous the woman in the video was. Participants were also asked to use the same scale to rate "how sexually attracted [the] woman [was] to the man in the video" (p. 448). Together, participant's responses to these four items formed what authors referred to as the Sexual Intent Index. Researchers found a significant difference in the mean sexual intent index scores of male and female participants, such that male participants, compared with female participants, rated the female actor's behaviors across all intensity levels as more indicative of sexual intent. Authors concluded that participant gender significantly affected participants perceptions of behaviors as indicative of sexual intent.

Beres, Herold, and Maitland (2004) were interested in how same-sex couples ask for and signal consent during their sexual encounters. They gathered data online from 257 participants (127 men, 130 women) who indicated that they “have had sex with someone of the same gender” (p. 479). Participants were recruited based on their inclusion on select listservs and newsgroups for gay, lesbian, bisexual, transgender, and queer organizations on university campuses on 143 universities across the U.S. and Canada. Most (56%) of the participants were between 18 and 24 years old. The researchers constructed a list of 26 behaviors based on Hickman and Muehlenhard’s (1999) list of responses. They asked participants to answer based on their own experience as an initiator or responder in past sexual situations. First, participants read the following description:

Please think about times you have initiated sex (oral, sex, manual stimulation, or penetrative sex) with your same-sex partner(s) in the last 12 months. Rate the following behaviors on how frequently you used them to ask for your partner’s consent, not simply how frequently the behaviors occurred as part of the encounter, but how often you used them to ask for consent (p. 478).

Participants rated each of the 26 behaviors on a scale ranging from 1 (*never*) to 5 (*always*). Next, participants were asked to think about times when their partner(s) had initiated sex and rated how frequently they used the same 26 behaviors to signal consent to their partner(s) sexual initiations using the same 5-point scale.

Beres, Herold, and Maitland (2004) used factor analysis to group the 26 behaviors on each scale into categories. Factors included *No Resistance Behaviors*, *Nonverbal Behaviors Involving Touch*, *Nonverbal Behaviors Without Touch*, *Verbal Behaviors*, and *Undressing Behaviors*. The authors found that both men and women reported that when initiating and when

responding, they used nonverbal behaviors more often than they used verbal behaviors. Authors found that the men reported using nonverbal behaviors to signal consent more often than women did. However, both men and women reported using “no resistance” most often when they were responders. This category included items such as, “You don’t stop your partner from kissing or touching you sexually,” “You do not resist your partner’s sexual advances,” and “You don’t say no” (p. 483). A methodological concern with this study is that participants were asked about their use of the same 26 behaviors to signal consent and to ask for consent. Some of the behaviors seem to make sense for signaling consent, but not for asking for consent (or vice versa), such as “You say ‘Is this okay?’” and “You don’t say no” (p. 480-481).

Bui (2005) conducted a study examining college students’ assumptions about sexual consent. Bui used qualitative data analysis to identify and evaluate participants’ open-ended responses to questions about various implicit assumptions of sexual consent that are present in research. A total of 31 female students and 36 male students answered an array of open-ended questions about sexual consent. Scenario 1 instructed participants to write about their first time engaging in penile-vaginal intercourse or some other sex act; students who had been in neither situation were instructed to complete this section in terms of how they thought a “typical student who had had sexual intercourse might describe the first time” (p. 17). For Scenario 2, participants were given the same instructions, but this time answered about their most recent experience. For Scenario 3, participants were instructed to write about one of five situations that were listed; these situations varied in terms of length of relationship and sexual history. Lastly, participants answered general questions about how they understood consent (e.g., how they defined sexual consent).

One assumption that Bui (2005) tested was the idea that consent is a dichotomous concept: that a sexual behavior must be either consensual or nonconsensual, rather than on a continuum somewhere between consensual and nonconsensual. For Scenarios 1 and 2, participants indicated whether the experience had been *consensual*, *nonconsensual*, *somewhere in between consensual and nonconsensual*, or *unsure/other/not applicable* for both themselves and their partners (p. 17), and they were asked to explain their choice. Results indicated that approximately 9% of participants ($n = 5$) reported that for them, their first experience engaging in sexual intercourse (penile-vaginal) was *somewhere in between consensual and nonconsensual*. The author concluded that because some participants judged an encounter as neither completely consensual nor completely nonconsensual, consent should perhaps be understood on a continuum rather than as a dichotomous concept.

Another assumption tested by Bui (2005) was that consent is communicated only during the sexual situation. She found that 40% of participants who answered about their first experience of intercourse reportedly gave or obtained consent weeks or months before the sex occurred. During participants' most recent experience having sex, 17% reported that they communicated consent to their partner prior to the encounter. This finding suggests that sometimes consent can be given prior to a sexual encounter. However, more research is needed to determine whether or not consent is signaled again during the sexual encounter, and how various nonconsent responses during the encounter are perceived by the initiator.

Humphreys and Herold (2007) conducted a study to develop and test a measure to assess college women's and men's attitudes and behaviors regarding sexual consent. They mailed questionnaires to a stratified random sample of college students at one university, which yielded a response rate of 43% and a total of 514 useable questionnaires. The sample distribution was

64% women and 36% men. One purpose of the study was “to investigate participants’ preferred method of obtaining consent” (p. 308). The questionnaire asked participants to indicate which of the following two statements they “agreed with more”: (a) “In making sexual advances, it is okay to continue until a partner indicates otherwise (i.e., assume ‘yes’ until you hear a ‘no’)” or (b) “BEFORE making sexual advances, one should always ask for and obtain a verbal ‘yes’ to engage in any sexual activities (i.e., assume ‘no’ until you get a ‘yes’)” (p. 308). Results indicated that of the 383 participants who had engaged in sexual intercourse, 60% indicated that they preferred the method of asking for consent first, although more women (65%) than men (53%) preferred this. When Humphreys (2007) asked a different sample of 415 college students (266 females and 149 males) to complete this item, she found that 61% of the participants preferred to assume consent rather than to ask for it first. Specifically, men (69%) were found to be more likely than women (56%) to prefer assuming consent and continuing with sexual activity until partner indicates otherwise. In both studies, authors concluded that the answer to this item was indicative of the participant’s “preference”; however, it seems likely that participants may have answered the question according to what they thought *should* be done. The discrepancies in these findings suggest that more research is needed.

Humphreys and Newby (2007) were interested in how both men and women initiated new sexual activities. They instructed 64 female and 33 male young adult college students to imagine themselves “initiat[ing] a new sexual behavior in an established relationship” where they had been dating their partner for either three weeks or two years (p. 82). Participants rated how likely they would be to use 14 different initiation behaviors, using a 5-point scale ranging from 1 (*Would never use this approach*) to 5 (*Would definitely use this approach*) (p. 81). The initiation behaviors were items developed based on Hickman and Muehlenhard’s (1999) four

categories of initiating sex: verbal direct, verbal indirect, nonverbal direct, and nonverbal indirect. For example, one nonverbal indirect item was, “You introduce your partner to a mainstream magazine article or TV that hints about this new sexual behavior,” and one verbal indirect item was, “You raise the issue indirectly by suggesting that a friend or acquaintance had engaged in the new sexual behavior to see what kind of reaction you get” (p. 81). Participants were then asked to use the same initiation items and rating scale to indicate how likely they would be to initiate a new sex act with their current, or most recent, sexual partner. Humphrey and Newby (2007) found that the gender of the participants was unrelated to how likely they were to report that they would use certain types of initiation in situations with their current (or most recent) partner. This finding suggests that men and women use the same types of initiation behaviors.

The literature summarized above was meant to provide readers with an overview of how researchers have investigated sexual consent and what independent and dependent variables have frequently been examined within consent studies. The next section will focus on my particular area of interest within sexual consent literature: examining how specific variables affect interpretations of how clearly responses indicate consent to sexual intercourse.

Limitations of Previous Research and Proposed Solutions

Although numerous studies reviewed above (e.g., Burrow, 1997; Koukounas & Letch, 2001; Byers & Lewis, 1988) have focused on identifying the effect of participant gender on interpretations of responses as indicative of sexual intent or consent, several methodological problems limit the usefulness of such findings. One methodological issue arises when researchers instruct male and female participants to judge consent behaviors from different vantage points. For example, in Burrow’s (1997) study, men rated the responses of a woman in a

hypothetical scenario from a third-person perspective, whereas women rated the responses taking the perspective of the responder in the scenario. This makes it impossible to determine if significant differences in consent judgments are due to participant gender or to the discrepancy between men's interpretations of a woman's responses and women's interpretations of their own use of responses. A more pervasive methodological limitation in the literature is the tendency to only ask participants to interpret a hypothetical *female's* responses. When neither male participants nor female participants are instructed to interpret a male's responses, studies can draw conclusions only about how men's judgments of a hypothetical woman's behaviors differ from women's judgments of a hypothetical woman's behaviors. In order to adequately assess how participant gender affects interpretations of responses, a study would need to ask both male and female participants to interpret the behaviors of a hypothetical male responder and of a hypothetical female responder.

Interpretations of consent behavior may be influenced by the gender of the responder (i.e., by the gender of the person responding to the initiation), but few consent studies have manipulated this variable. Most consent studies only ask participants to interpret behaviors in vignettes that depict the initiator as male and the responder as female. In rare cases, studies have asked male and female participants to interpret their own responses, as well as the responses of their other-sex partner (e.g., Hickman & Muehlenhard, 1999), but that conflates participant-gender with responder gender. The stereotype that men are always willing to have sex is not valid (Brian, 2009), but it would be interesting to assess whether participants assume that a broader range of men's behaviors than of women's behaviors signal consent.

To date, Hickman and Muehlenhard (1999) are the only researchers who have manipulated the type of initiation behavior (verbal or nonverbal) to test how this influenced

participants' ratings of consent clarity of responses. They found that participants rated indirect verbal signals as more indicative of consent in response to a nonverbal initiation, compared with a verbal initiation. In contrast, indirect nonverbal signals were rated as more indicative of consent in response to a verbal initiation, compared with a nonverbal initiation. Although these were small effects, the results highlighted the potential importance of examining initiation behavior as a relevant contextual factor in the process of consent. We would like to expand on these findings by examining the effects of three types of initiation: direct verbal, indirect verbal, and nonverbal.

One of the challenges faced by those who make decisions at the University of Kansas's student sexual violence hearings is deciding whether or not it was *reasonable* for the initiator to assume sexual consent during the encounter. KU policy states that it is the responsibility of the initiator to obtain consent from the responder, so the initiator is asked during a hearing: How did you know that the other person consented? (Nicholas Kehrwald, Student Conduct Officer, University of Kansas, personal communication, April 26, 2012). For those making decisions, determining whether the encounter was sexual violence often involves determining whether it was reasonable for the initiator to assume that he or she had obtained consent. Although many studies have investigated how college students convey and interpret consent in their own lives, as well as how they believe they would act in hypothetical sexual situations, few studies have gathered information on how participants think others *should* reasonably interpret a responder's behaviors. Given the dearth of evidence and the important consequences of these types of judgments, it would be useful to gather data about what ambiguous behaviors students believe are reasonable to interpret as consent.

The Present Study

The present study was an exploratory investigation of how college men and women believe that a hypothetical initiator should interpret a hypothetical respondent's behaviors in a sexual encounter. We asked participants to read two hypothetical vignettes depicting two college acquaintances meeting at a party, and returning to one of their residences where they "made-out." The two vignettes differed only in terms of how sex was initiated after they "made-out." Participants were asked to give a *consent rating* for each of the (same) 26 responses listed beneath both vignettes. The *consent rating* for each response represented the degree to which the participant believed that the initiator should assume that the responder's behavior indicated consent to sexual intercourse (on a seven-point scale ranging from *Definitely NOT* to *Unsure* to *Definitely*).

The primary objective of this study was to enhance understanding of how specific variables influenced college students' judgments of the degree to which a hypothetical initiator should assume that a hypothetical responder's behaviors indicate consent to sexual intercourse. It addressed variables that have received insufficient attention in the literature. We were interested in the effects of three independent variables—participant gender, responder gender, and initiation type—on participants' interpretations of consent. Participants rated to what degree they thought an initiator should assume a responder's consent, given different responses. Our research questions include the following:

1. Are there gender differences in the consent ratings given by male and female participants? We hypothesize that male, compared with female, participants will give higher consent ratings. If there are participant gender differences, would they be

mediated by individual differences? We hypothesize that rape myth acceptance and sexist attitudes may explain the hypothesized participant gender effect.

2. Are there differences in participants' consent ratings of a male and a female responder?

We hypothesize that when a responder is male, compared with female, participants will give higher consent ratings.

3. Does the way that sex is initiated (either verbally or nonverbally) affect participants' consent ratings? A lack of previous research precluded us from making a specific hypothesis about the effect of initiation type. However, we will conduct exploratory analyses to investigate any potential effects of initiation type on consent ratings.

Method

Participants

The final sample included 202 college students (106 men and 96 women) enrolled in an introductory psychology class at a large Midwestern university. A total of 37 participants from the initial sample were excluded because their questionnaires were incomplete ($n = 10$) or they failed at least one attention-check item, explained below ($n = 27$). The ages of participants ranged from 18 to 35 years old, with a mean of 20 ($SD = 2.2$). Their self-reported ethnicity was as follows: 79.2% European American/White, 5.4% African American, 5.4% Asian American, 3.5% Hispanic American, 2.0% Biracial, 2.0% Native American, and 2.5% other. International students comprised 2.5% of the sample. Students identified as heterosexual (94.5%), bisexual (3.0%), homosexual/gay/lesbian (2.0%), or other (0.5%).

A small number of participants reported that they had never dated anyone (7.4%, $n = 15$) or had never had sexual intercourse (12.9%, $n = 26$). Most of the participants were either not dating anyone currently (39.1%, $n = 79$) or were dating one person exclusively (37.1%, $n = 75$).

Very few participants were engaged or married (1.5%, $n = 3$). Of the participants who had experienced sexual intercourse ($n = 176$), almost all had experienced consensual sex (97.2%, $n = 171$), and 5.7% had experienced nonconsensual sex ($n = 10$). Additionally, 13.6% of participants with sexual-intercourse experience reported that they had had intercourse that was “somewhere in between consensual and nonconsensual” at least once ($n = 24$). Participants who had experienced sexual intercourse reported that they had at least one experience in which intercourse was initiated in the following ways: initiated by them (77.8%, $n = 137$); initiated by their partner (82.4%, $n = 145$); mutually initiated by both them and their partner (96.6%, $n = 170$); and spontaneously—that is, “no one really initiated, it just happened” (47.7%, $n = 84$). The mean number of sexual intercourse partners that participants reported was 5.2 ($SD = 6.5$), ranging from 0 to 50 partners.

Measures

Demographics and sexual history. Participants were asked 11 demographic and sexual history questions (Appendix A). Specifically, they were asked to indicate their gender, age, ethnicity/race, international student status, sexual orientation, and political orientation. They were asked about the setting where they were completing the survey (e.g., home, bar, classroom). They were also asked to provide some information about their sexual history (e.g., number of sexual intercourse partners).

Vignette questionnaire. Each participant read and answered questions about two vignettes (Appendix B): a *verbal-initiation* scenario and a *nonverbal-initiation* scenario. As seen below, the vignettes identically, but ended with different final sentences describing how the initiator tried to advance toward intercourse:

- Two KU students just met at a large party.
- They started talking and realized that they were in the same class.
- At the party, they each had a few drinks but were not drunk.
- They went to one of their places nearby to continue hanging out. They began making out, lying on the couch.
- [Nonverbal-initiation scenario]: Now, **he starts to take off her jeans** (*hoping that this will lead to sexual intercourse*). [Verbal-initiation scenario]: Now, **he asks her, “Do you want to have sex?”** (*hoping that this will lead to sexual intercourse*).

OR

- [Nonverbal-initiation scenario]: Now, **she starts to take off his jeans** (*hoping that this will lead to sexual intercourse*). [Verbal-initiation scenario]: Now, **she asks him, “Do you want to have sex?”** (*hoping that this will lead to sexual intercourse*).

It should be noted that the vignettes were designed to depict sexual encounters between acquaintances that would seem realistic to most college students. Our choice to state that the students in the vignette “had a few drinks but were not drunk” was meant to increase the likelihood that the vignettes would be perceived as believable (since many college students drink alcohol at parties), and control for the effect that alcohol intoxication level may have on consent ratings. For example, we were concerned that if the individuals in the vignette were described as sober, participants might find the subsequent sexual encounter to be less likely to occur (thus decreasing how believability of the vignettes); similarly, we were concerned that if we described the individuals as “very drunk,” participants may be inclined to give very low consent ratings to all the responses.

Initiation type (verbal or nonverbal) was counterbalanced; approximately half of the participants completed the *verbal-initiation* version before the *nonverbal-initiation* version, and

the rest completed the vignettes in the reverse order. Initiator gender (male or female) was manipulated between participants. Approximately half of the participants were randomly assigned to read two vignettes that depicted a man initiating sex with a woman; the rest read vignettes that depicted a woman initiating sex with a man.

After reading the vignette, all participants were asked three attention-check questions about the vignettes (e.g., “Were they boyfriend/girlfriend?”). Then participants were given a list of 26 possible ways that the responder could react to the initiator’s advance. Some of these responses were similar to those used in past studies (e.g., Beres, Herold, & Maitland, 2004; Hickman & Muehlenhard, 1999), and others were newly designed by the researcher (based on discussions with colleagues and undergraduate research assistants). For each response, participants answered the question, “Should he/she [i.e., the initiator] assume that she/he [i.e., the receiver] is consenting to intercourse?” in two ways: Participants gave a *consent rating* using a scale ranging from *Definitely NOT* to *Unsure* to *Definitely*, and also provided a simple “Yes/No” answer to the question. The 26 behaviors were presented in randomized order for each participant, though the last behavior for all the vignettes was always: “not stopping him [or her] from having sex with her [or him].” At the bottom of the each vignette page, there was a blank text box in which participants were invited to write any comments they had. If participants skipped any of the items (except the comment box, which was optional), they were alerted to this and encouraged (though not required) to complete the question before proceeding to the next page of the survey.

Assume “yes until no” or “no until yes.” Two forced-choice items were used to assess participants’ beliefs about “default” assumptions about sexual consent. The first item began, “If a man wants to have sex with a new partner,” and asked participants to choose one of the

following answers: “He should assume NO until she expresses consent (i.e., he should assume NO until she expresses YES)” or “He should assume that she consents until she expresses NO (i.e., he should assume YES until she expresses NO).” The second item was identical to the first, except that it asked what women should assume about men’s consent. After each item, participants were asked to comment on how they arrived at their answer.

Ambivalent Sexism Inventory (ASI). Participants completed a 22-item scale that is widely used to assess levels of hostile sexism and benevolent sexism (Glick & Fiske, 1996; see Appendix C). Using a 6-point Likert scale (0 = *disagree strongly*, 5 = *agree strongly*), participants indicated how much they agreed with stereotypical sexist attitudes toward women. A Hostile Sexism score was calculated by taking the mean of the items on that subscale (e.g., “Women are too easily offended”), and a Benevolent Sexism score was calculated by taking the mean of the items on that subscale (e.g., “Many women have a quality of purity that few men possess”). Higher scores indicated more sexist attitudes. The Cronbach’s alphas were .70 for Hostile Sexism ($M = 2.35$, $SD = 0.91$) and .69 for Benevolent Sexism ($M = 2.46$, $SD = 0.85$).

Illinois Rape Myth Acceptance, Short Form (IRMA-SF). Participants completed a scale commonly used to assess rape myth acceptance (Payne, Lonsway, & Fitzgerald, 1999; Appendix D). Participants indicated how strongly they agreed with each of 20 statements, some of which were rape myths (identified by previous researchers, see Payne et al., 1999, for details) and other related statements that were not actually myths. The participants used a 5-point Likert scale (1 = *strongly disagree*, 5 = *strongly agree*). Each participant’s mean score was calculated. Higher scores indicate more agreement with rape myths. The alpha was .89 ($M = 2.36$, $SD = 1.07$). It is important to note that all statements focus on rape involving male perpetrators and female victims (e.g., “A lot of women lead men on and then they cry rape”).

Procedures

The online questionnaire was constructed using Qualtrics survey software and was made available to college students taking introductory level psychology classes from January 2013 to May 2013. Participants received either course credit or extra credit for completing the questionnaire. Most students (85.6%, $n = 173$) completed the questionnaire online by clicking on a link posted on course websites, though some filled out a printed copy of the blank online questionnaire in a private classroom setting (14.4%, $n = 29$). To protect the privacy of students completing the printed version of the questionnaire, they were seated with empty desks between them, and the questionnaires were distributed and collected in blank manila folders.

Online participants were directed to a webpage showing the consent form (Appendix E); they were not shown the first page of the questionnaire unless they indicated their consent by entering their name (to get course credit) into a text box and clicking a box to proceed. Participants who completed the questionnaire in-person were instructed by the researcher to read the consent form and then to write their name on a sign-up sheet if they consented to participate in the study.

To protect online participants' anonymity and also grant them course credit, several precautions were taken. After participants who completed the questionnaire online typed their names at the bottom of the consent form page, their names were input to a data file that was completely separate from rest of the questionnaire data. Furthermore, the order of their names was randomized, and the file was destroyed after the students were granted credit. The sign-in sheets of participants who completed the printed questionnaire in-person were shredded by the researcher immediately after granting the participants credit, and all the blank manila folders containing completed questionnaires were put into a box and randomized.

The questionnaire consisted of multiple-choice style items (checkboxes and radio buttons), as well as open-ended items (text boxes with no character limit). After completing the questionnaire, participants were shown a debriefing form (Appendix F) that explained the purpose of the study and included contact information for the researchers, the institutional review board, and local counseling agencies, in case the study raised issues that they wanted to discuss. Participant's answers to the questionnaire (except for their name) were immediately imported or manually entered into an Excel data file. It took most participants between 15 and 30 minutes to complete the questionnaire.

Results

Factor Analysis

First, a principal components factor analysis (PCA) with promax rotation was conducted to reduce the number of response items into smaller, more meaningful subscales. Participants rated 26 response items according to whether they thought the initiator should assume the responder's consent, using a 7-point Likert scale ranging from 1 (*Definitely Not*) to 7 (*Definitely*). Only factors having eigenvalues of one or greater were considered to be significant (Heir et al., 1987). The reliability of each subscale was assessed with Cronbach's alpha coefficient. Each of the 26 consent ratings in the verbal- and nonverbal-initiation scenarios were averaged to create one consent rating for each response item. No items were dropped.

Four response subscales emerged (see Table 1). Each subscale represented a different way that the responder could react to the initiator's verbal or nonverbal sexual advances:

- The *Positive-reciprocal subscale* included three items, such as "Getting out a condom and opening it" or "Saying, 'This couch is uncomfortable. Let's have sex somewhere else.'"

- The *Positive Response subscale* included 10 items, such as the responder's "saying, 'You are so sexy,'" "Smiling," and "Giving [the initiator] oral sex."
- The *Unclear Response subscale* included five items, such as "Not resisting [the initiator's] advances," and "Saying, 'I'm not sure we should,' while undoing [the initiator's] pants."
- The *Clear Negative subscale* included eight items, such as "Saying 'no,'" "Pulling away," and "Getting up and leaving."

The items on all four subscales showed high reliability (see Table 1). We used these subscale scores as dependent variables for our analysis of consent ratings. For means and standard deviations for consent ratings of each response, see Table 2.

Table 1

Subscales and Factor Loadings Derived From Factor Analysis of Consent Ratings for Responses

Responses	Factor Loadings
Positive-reciprocal (.83) ^a	
Saying, "This couch is uncomfortable. Let's have sex somewhere else."	.963
Saying, "It looks like you're gonna get laid."	.643
Getting out a condom and opening it.	.594
Positive Responses (.95) ^a	
Saying, "You are so sexy."	.958
Stroking [the initiator's] penis/vagina.	.925
Smiling.	.869
Turning off the lights.	.865
Giving [the initiator] oral sex.	.837
Putting [the initiator's] hand down [the responder's] underwear.	.832
Letting [the initiator] take off [the responder's] clothes.	.801
Saying, "I want you."	.736
Helping [the initiator] undress [the responder], and then [the responder] taking off [the initiator's] clothes.	.717
Saying nothing and continuing to make out with [the initiator].	.645
Unclear Responses (.85) ^a	
Saying, "I'm not sure we should" while undoing [the initiator's] pants.	.814
Saying, "This is not a good idea" but continuing to touch [the initiator].	.803
Saying, "We can have sex if you really want to" and beginning to look uneasy.	.751
Not stopping [the initiator] from having sex with [the responder].	.346
Not stopping [the initiator's] advances.	.315
Clear Negative (.94) ^a	
Getting up and leaving.	.978
Saying, "No."	.975
Frowning and shaking his/her head "no."	.918
Pulling away.	.840
Suggesting that they go get something to eat.	.770
Saying, "I'm tired and I have to get up early."	.709
Saying, "I really like you. Let's not have sex yet."	.690
Getting a worried look on his/her face.	.499

^aThese numbers represent the overall reliability of the factor (using Cronbach's alpha coefficients).

Table 2

*Means and Standard Deviations of Consent Ratings for Responses for Male and Female**Responders*

Responses	Responder Gender	
	Male	Female
	Mean (<i>SD</i>)	Mean (<i>SD</i>)
Positive-reciprocal		
Saying, "This couch is uncomfortable. Let's have sex somewhere else."	5.87 (1.43)	5.21 (1.70)
Saying, "It looks like you're gonna get laid."	6.27 (1.25)	5.69 (1.60)
Getting out a condom and opening it.	6.54 (0.92)	5.73 (1.40)
Positive Responses		
Saying, "You are so sexy."	5.07 (1.30)	4.31 (1.59)
Stroking [the initiator's] penis/vagina.	5.75 (1.32)	5.08 (1.45)
Smiling.	4.53 (1.43)	4.00 (1.43)
Turning off the lights.	4.86 (1.37)	4.18 (1.49)
Giving [the initiator] oral sex.	5.63 (1.36)	4.83 (1.49)
Putting [the initiator's] hand down [the responder's] underwear.	5.51 (1.48)	4.57 (1.69)
Letting [the initiator] take off [the responder's] clothes.	5.04 (1.38)	4.49 (1.48)
Saying, "I want you."	5.74 (1.12)	5.21 (1.45)
Helping [the initiator] undress [the responder], and then [the responder] taking off [the initiator's] clothes.	5.99 (1.15)	5.16 (1.42)
Saying nothing and continuing to make out with [the initiator].	4.20 (1.45)	3.53 (1.34)
Unclear Responses		
Saying, "I'm not sure we should" while undoing [the initiator's] pants.	4.01 (1.39)	3.44 (1.38)
Saying, "This is not a good idea" but continuing to touch [the initiator].	3.70 (1.28)	3.27 (1.29)
Saying, "We can have sex if you really want to" and beginning to look uneasy.	3.42 (1.40)	2.96 (1.34)
Not stopping [the initiator] from having sex with [the responder].	4.97 (1.76)	3.93 (1.55)
Not stopping [the initiator's] advances.	4.72 (1.34)	4.00 (1.34)

Clear Negative

Getting up and leaving.	1.47 (1.15)	1.31 (0.97)
Saying, “No.”	1.40 (1.07)	1.29 (0.95)
Frowning and shaking his/her head “no.”	1.49 (1.06)	1.31 (0.73)
Pulling away.	1.88 (1.19)	1.56 (0.95)
Suggesting that they go get something to eat.	1.99 (1.16)	1.64 (0.85)
Saying, “I’m tired and I have to get up early.”	2.21 (1.24)	1.85 (1.07)
Saying, “I really like you. Let’s not have sex yet.”	1.83 (1.18)	1.70 (1.18)
Getting a worried look on his/her face.	2.32 (1.17)	1.85 (0.89)

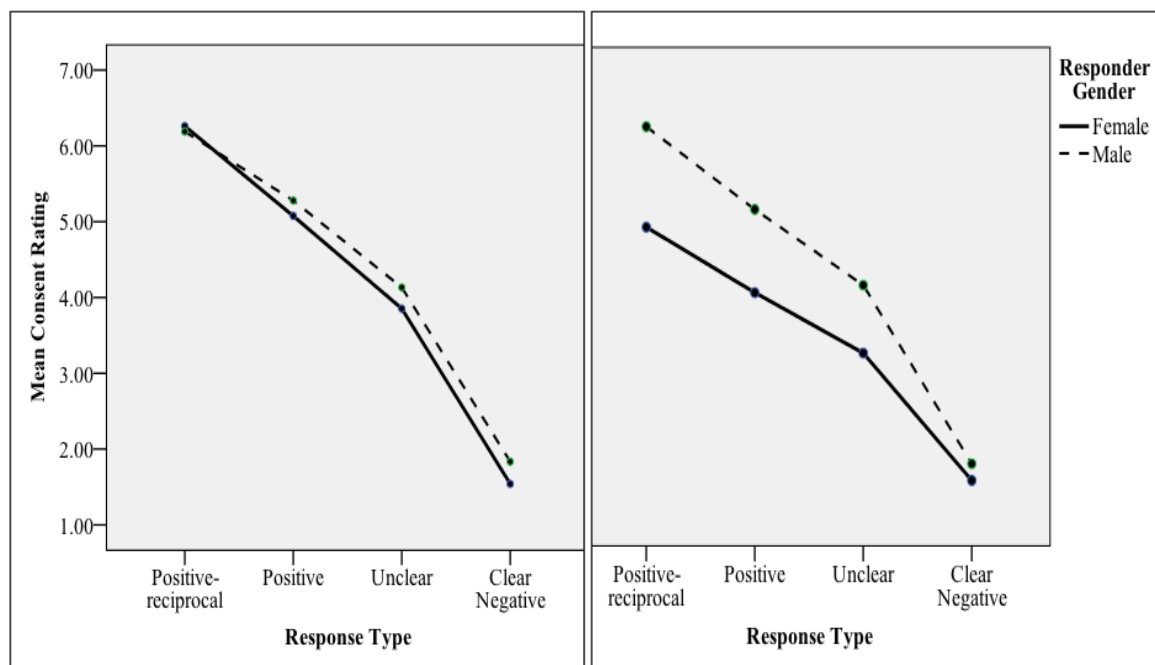
Consent Ratings

Participants had made consent ratings using a 7-point scale ranging from *Definitely NOT* to *Definitely*, with *Unsure* at the midpoint. On the questionnaire, there were no numbers associated with these descriptors; however, to facilitate data analysis, we assigned numbers to these descriptors, ranging from 1 (Definitely NOT) to 7 (Definitely). To assess whether the independent variables—participant gender, responder gender, initiation type, and response type—affected participants’ consent ratings, we conducted a 4-way mixed-design ANCOVA on participants’ consent ratings (controlling for order of vignette presentation), with initiation type (verbal, nonverbal) and response type (Positive-reciprocal, Positive, Unclear, Clear Negative) as within-subjects factors and participant gender (male, female) and responder gender (male, female) as between-subjects factors. Significant results included four main effects, three 2-way interactions, and one 3-way interaction.

The four-way analysis of covariance yielded two main effects that were not qualified by the significant 3-way interaction. There was a main effect for participant gender, $F(1, 195) = 7.04, p = .01, \eta_p^2 = .04$, such that the overall average consent rating was significantly higher for male participants ($M = 4.22, SD = 0.92$) than for female participants ($M = 3.94, SD = 0.95$). There was also a main effect for response type, $F(3, 585) = 358.53, p < .001, \eta_p^2 = .65$, such that participants gave different mean ratings of consent across the four response types, which varied

on a continuum from most to least indicative of consent: Positive-reciprocal responses ($M = 5.91$, $SD = 1.42$), Positive responses ($M = 4.89$, $SD = 1.36$), Unclear responses ($M = 3.85$, $SD = 1.28$), and Clear Negative responses ($M = 1.67$, $SD = 0.95$). In other words, the Positive-reciprocal responses were rated as closest to *Definitely* should assume consent, Positive responses as between *Definitely* should and *Unsure* (though closer to *Unsure*), Unclear responses as closest to *Unsure*, and Clear Negative responses closest to *Definitely* [should] NOT assume consent.

All other main effects and two-way interactions were qualified by a significant Initiation Type \times Response Type \times Responder Gender 3-way interaction on consent ratings, $F(3, 585) = 25.22$, $p < .001$, $\eta_p^2 = .12$; main effect for initiation type, $F(1, 195) = 76.61$, $p < .001$, $\eta_p^2 = .28$; main effect of responder gender, $F(1, 195) = 25.37$, $p < .001$, $\eta_p^2 = .12$; Response Type \times Responder Gender interaction, $F(3, 195) = 2.72$, $p = .04$, $\eta_p^2 = .01$; Response Type \times Initiation Type, $F(3, 195) = 47.62$, $p < .001$, $\eta_p^2 = .20$; Initiation Type \times Responder Gender, $F(1, 195) = 30.38$, $p < .001$, $\eta_p^2 = .14$. See Figure 1.



Nonverbal Initiation

Verbal Initiation

Figure 1. Effects of response type and responder gender on consent ratings following a nonverbal initiation and verbal initiation.

Table 3 (below) shows the means and standard deviations for comparisons of responder gender (within initiation type and response type). Post hoc analyses for the 3-way interaction using Fisher's LSD indicated the following for responses to *verbal initiations*: Participants rated Positive-reciprocal responses as more indicative of consent when the responder was male, rather than female, $F(1, 195) = 37.26, p < .001, \eta_p^2 = .16$. They rated Positive responses as more indicative of consent when the responder was male, rather than female, $F(1, 195) = 32.60, p < .001, \eta_p^2 = .14$. They rated Unclear responses as more indicative of consent when the responder was male, rather than female, $F(1, 195) = 24.90, p < .001, \eta_p^2 = .11$. There was no difference between the consent ratings of Clear Negative responses when the responder was male, compared with when the responder was female, $F(1, 195) = 3.05, p = .08, \eta_p^2 = .02$. In contrast, for responses to *nonverbal initiations*: Participants did rate the Clear Negative responses as more indicative of consent when the responder was male, rather than female, $F(1, 195) = 4.60, p = .03, \eta_p^2 = .02$. Their consent ratings for the Positive-reciprocal, Positive, and Unclear responses did not differ as a function of the responder's gender ($F_s < 3.02, p_s > .08$).

Table 3

Means and Standard Deviations for Responder Gender

Responder Gender	
Male	Female

Initiation Type	Response Type	Mean (SD)	Mean (SD)
Nonverbal	Positive-reciprocal	6.19 (1.01)	6.26 (1.02)
	Positive	5.28 (1.06)	5.08 (1.12)
	Unclear	4.13 (1.22)	3.85 (1.06)
	Clear Negative	1.83 (1.12)*	1.54 (0.76)*
Verbal	Positive-reciprocal	6.27 (1.00)**	4.93 (2.31)**
	Positive	5.17 (1.12)**	4.05 (1.89)**
	Unclear	4.13 (1.22)**	3.25 (1.06)**
	Clear Negative	1.77 (1.05)	1.54 (0.71)

* indicates significant within-row differences between male and female responder's mean consent ratings, $p < .05$.

** indicates significant within-row differences between male and female responder's mean consent ratings, at $p < .001$.

Table 4 (below) shows the means and standard deviations for comparisons of initiation type (within responder gender and response type). Post hoc analyses for the 3-way interaction using Fisher's LSD indicated the following for *female responder* behaviors: Participants reported that the initiator should be more certain in assuming that Positive-reciprocal responses indicated consent when in the nonverbal-initiation scenario, rather than in the verbal-initiation scenario, $F(1,195) = 74.72, p < .001, \eta_p^2 = .28$. They rated Positive responses as more indicative of consent when in the nonverbal initiation scenario, rather than the verbal initiation scenario, $F(1,195) = 57.06, p < .001, \eta_p^2 = .23$. They rated Unclear responses as more indicative of consent when in response to a nonverbal initiation, rather than a verbal initiation, $F(1,195) = 26.70, p < .001, \eta_p^2 = .12$. They rated Clear Negative responses similarly in the nonverbal initiation and the verbal initiation, $F(1,195) < 0.001, p = .99, \eta_p^2 < .001$. In contrast, for

responses from a *male responder*, participants did not rate any of his responses (Positive-reciprocal, Positive, Unclear, or Clear Negative) differently according to initiation type ($F_s < .95$, $p_s > .33$).

Table 4

Means and Standard Deviations for Initiation Type

Responder Gender	Response Type	Initiation Type	
		Nonverbal	Verbal
		Mean (<i>SD</i>)	Mean (<i>SD</i>)
Male	Positive-reciprocal	6.19 (1.01)	6.27 (1.00)
	Positive	5.28 (1.06)	5.17 (1.12)
	Unclear	4.13 (1.22)	4.15 (1.18)

	Clear Negative	1.83 (1.12)	1.77 (1.05)
Female	Positive-reciprocal	6.26 (1.02)*	4.93 (2.31)*
	Positive	5.08 (1.12)*	4.03 (1.89)*
	Unclear	3.85 (1.06)*	3.25 (1.47)*
	Clear Negative	1.54 (0.75)	1.54 (0.71)

* indicates significant within-row differences between verbal and nonverbal initiation mean consent ratings, $p < .001$.

Individual Differences

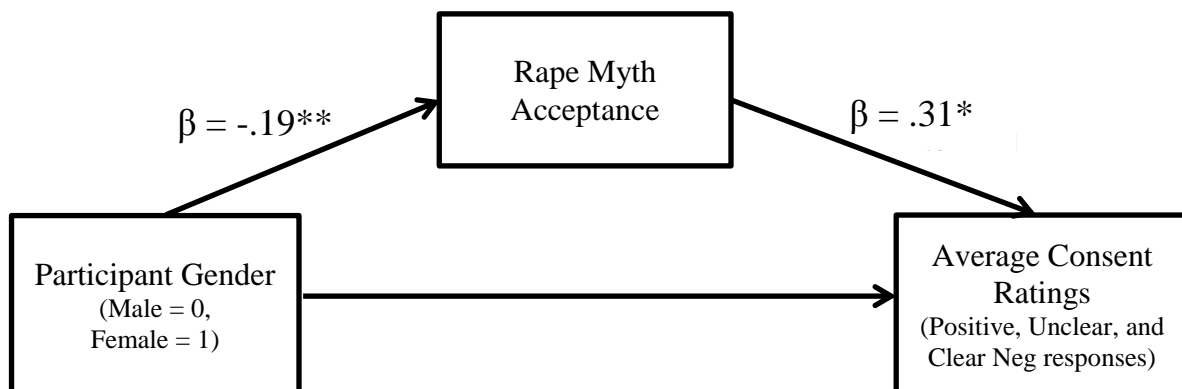
The Ambivalent Sexism Inventory (ASI) yielded scores on two subscales: Hostile Sexism and Benevolent Sexism. Hostile Sexism was positively correlated with ratings of consent for Positive, Unclear, and Clear Negative responses ($r_s = .15, .25$, and $.16$, respectively). The higher participants were on hostile sexist attitudes, the more they perceived responses as indicating consent, unless it was a Positive-reciprocal response ($r = -.03$, $p = .64$). Scores on benevolent sexism were unrelated to ratings of consent for all response types ($p_s > .05$). Importantly, all effects of the 4-way ANCOVA on consent ratings remained significant when hostile sexism was entered as an additional covariate. This indicates that none of our primary effects can be explained by variability in participants' levels of hostile sexism.

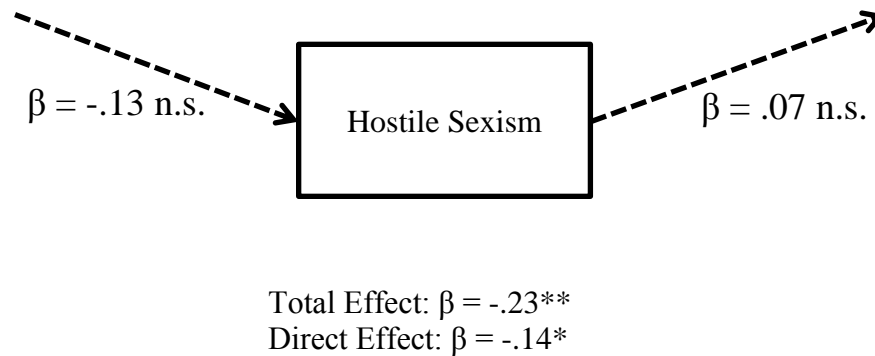
Participants' belief in rape myths, as measured by the Illinois Rape Myth Acceptance Scale–Short-Form (IRMA-SF), were positively correlated with consent ratings for Positive, Unclear, and Clear Negative responses ($r_s = .20, .31$, and $.34$, respectively). The higher participants were on rape myth acceptance, the more they perceived responses as indicating consent, unless it was a Positive-reciprocal response ($r = -.04$, $p = .64$). When IRMA-SF scores was entered as a covariate in the 4-way ANCOVA on consent ratings, the main effect of participant gender became non-significant ($F = 3.44$, $p = .07$; all other effects remained

unchanged). In conjunction with evidence that men tend to report greater rape myth acceptance than women (e.g., Johnson, Kuck, & Schander, 1997; McMahon, 2010), these findings raise the possibility that the obtained participant's gender effects on perceptions of consent for Positive, Unclear, and Clear Negative responses might be at least partially mediated by gender differences in rape myth acceptance.

Mediation Analysis

We then tested whether the direct effect of participant gender on perceptions of consent occurred indirectly through rape myth acceptance beliefs and hostile sexism. Using Preacher and Hayes's (2008) bootstrapping procedure, we regressed consent ratings (collapsing across Positive, Unclear, and Clear Negative response types) onto participant gender (coded: male = 0; female = 1) with total Rape Myth Acceptance scores and Hostile sexism scores entered as potential mediators and Order entered as a covariate. Five-thousand bootstrap resamples were performed. The 95% confidence interval obtained for the indirect effects of participant gender on consent scores through total rape myth beliefs did not contain zero (-.25, -.03). In contrast, the 95% confidence interval obtained for the indirect effects of participants gender on consent scores through hostile sexism did contain zero (-.07, .02). These results are consistent with the idea that greater consent ratings among male, compared with female, participants occurred, at least in part, through male participants' greater rape myth beliefs, but did not occur through variations in hostile sexism (see Figure 2).





Note: Total adjusted R^2 for the model = .17, $F(4, 196) = 11.10$, $p < .001$. All path coefficients represent standardized regression weights. The direct effect coefficient represents the effect of participant gender on the dependent variable after controlling for Order and the effect of the proposed mediators. N.s. indicates that the effect was not statistically significant.

* $p < .05$; ** $p < .01$; *** $p < .001$.

Figure 2. Indirect effect of participant gender on consent ratings through acceptance of rape myths and hostile sexism.

“Default” Assumptions About Consent

Two forced-choice items were used to assess participants’ beliefs about general or “default” assumptions about sexual consent. They indicated whether an initiator should “assume consent until No is expressed” or “assume No until consent is expressed,” first in a sexual situation with a male initiator and a female responder, and then in a sexual situation with a female initiator and a male responder. Table 5 depicts a summary of participant’s default consent assumptions for both male and female responders. Their answers to the two forced-choice items were combined in all possible ways to yield four mutually exclusive categories. Most participants thought that—regardless of the gender of those involved—the initiator should assume No until Yes is expressed. A small minority of participants thought that—regardless of

gender—the initiator should assume Yes until No is expressed. However, some participants—especially men—endorsed a double standard in which the initiator should assume No for women and Yes for men. No one endorsed the converse (assuming Yes for women and No for men).

Table 5

Participants' Preferences for Default Assumptions About Sexual Consent

Preferences for default assumptions of consent	Women's preferences		Men's preferences	
	#	%	#	%
Assume women's and men's nonconsent	81	85.3	70	66.7
Assume women's nonconsent and men's consent	5	5.3	25	23.8
Assume women's consent and men's nonconsent	0	0.0	0	0.0
Assume women's and men's consent	9	9.5	10	9.5

Note. Participants were asked if someone who wants to have sex with a new partner should assume nonconsent (i.e., assume No until the other person expresses Yes) or should assume consent (i.e., assume Yes until the other person expresses No). Each participant was asked this question twice: once about a man who wants to have sex with a new female partner and once about a woman who wants to have sex with a new male partner. Two female participants had missing data.

For each of the three categories that did contain participants, we ran separate binary logistic regression analyses to identify if participant gender predicted different patterns of default assumptions. We found that for female participants, the odds of indicating that an initiator should “assume women's and men's nonconsent” were 2.89 times greater than the odds were for male participants, $B = 1.06$, $SE = .36$, $Wald = 8.91$, $p = .003$. Additionally, we found that for male participants, the odds of indicating that an initiator should “assume women's nonconsent and men's consent” were 6.20 times greater than the odds were for female participants, $B = -1.73$, $SE = .51$, $Wald = 11.32$, $p = .001$. Differences in the odds of indicating that an initiator should “assume women's and men's consent” did not statistically differ between male and female participants, $B = -0.01$, $SE = .48$, $Wald = 0.00$, $p = .99$.

Discussion

The main purpose of the present study was to investigate how participants thought an initiator should interpret a responder's behaviors. Specifically, we asked participants to rate different behaviors of a responder in terms of how certain participants were that the initiator should assume that the behaviors indicate the responder's consent to sexual intercourse (i.e., consent ratings). We were also interested whether participants' consent ratings would vary according to either the gender of the responder or of the participant. Additionally, we used two approaches to sexual initiation, one verbal and one nonverbal, to examine the situational specificity of participants' interpretations of the responder's reaction. This section will begin by reviewing the results of our exploratory factor analysis of responses. In turn, the effects of participant gender, responder gender, and initiation type on consent ratings will be discussed. An explanation of the study's implications for college sexual violence hearing boards and sexual violence prevention programs will follow. Finally, future directions will be described.

Response Type

We developed a list of 26 different ways that someone might respond to respond to an acquaintance's attempt to initiate sex while they were "making out" in a private setting. Many of these items were adapted from previous studies (Beres, et al., 2004; Hickman & Muehlenhard, 1999; Muehlenhard, Andrews, & Beal, 1996). Factor analysis revealed that the 26 responses loaded onto four factors: the Positive-reciprocal factor, the Positive Response factor, the Unclear Response factor, and the Clear Negative factor. We conceptualized each factor as a subcategory within the broader variable of Response Type. The four subcategory labels that we used in the current study were somewhat similar to the factor labels given in other studies examining the consent ratings of various behaviors (Beres, et al., 2004; Burrow, 1997; Hall, 1998; Hickman & Muehlenhard, 1999). However, whereas many of the aforementioned studies differentiated

between verbal and nonverbal responses, all four of our labeled factors included both verbal and nonverbal behaviors.

We found a main effect for Response Type, such that for each factor, the average consent rating was different. More specifically, the average consent ratings of the behaviors within the four factors ranged in descending order from the factor with the highest to lowest average consent rating: Positive-reciprocal factor, Positive Response factor, Unclear Response factor, and Clear Negative factor. Although identifying categories of responses was not an explicit goal of our study, and the factor analysis we conducted was exploratory, it is possible that future researchers will find our list of responses, and/or factor labels useful when developing studies or interpreting results from studies on perceptions of sexual consent.

Participant Gender

As predicted, we found a main effect of participant gender. Overall, male participants viewed responses as more indicative of consent than female participants. This is consistent with other studies that have found that men viewed a hypothetical female responder's behaviors as more indicative of sexual intent or consent than women did (Abbey & Harnish, 1995; Burrow, 1997; Koukounas & Letch, 2001; for a review, see Farris, Treat, Viken, & McFall, 2008). This effect is also consistent with the finding that women, compared with men, report more often that their level of sexual interest during a sexual encounter has been overperceived (Abbey, 1987; Haselton, 2003; Koss & Oros, 1982). However, as noted in the introduction, many of these past studies were limited by the fact that they asked participants to rate the sexual consent of a female responder, but not of the consent of a male responder. This limitation makes it difficult to

explain the participant gender difference in perceptions of consent. Some researchers have suggested that men's desire to engage in sex may lead them to interpret a female's responses to be consistent with their desire (e.g., Christopher & Frandsen, 1990). Other researchers have suggested that men and women rate the same behavior as indicating different levels of consent or sexual intent because men and women are using two fundamentally different standards or understandings of consent to judge whether or not consent should be assumed. For example, a behavior may be perceived by men as "almost certainly" indicating consent when the same behavior is perceived by women as only "possibly" indicating consent.

To further understanding of why consent ratings may vary according to participant gender, we asked participants to judge whether an initiator should assume consent based on a behavior given by either a male or a female responder. We found that male participants, compared with female participants, judged both female *and* male responders' behaviors as more indicative of consent. The fact that the participant gender differences were consistent regardless of responder gender may suggest that participant gender differences are due to men and women employing different standards of consent. More research is needed to directly investigate potential differences in men and women's standards of consent. Additionally, in the present study, we attempted to help *explain* the participant gender effect, because simply finding that men gave higher consent ratings than women because "they are men" is not particularly informative. To explore this gender difference, we examined two individual difference variables that have been found to be more prevalent in men than women, and to be associated with perceptions of sexual behavior. Belief in rape myths, or rape myth acceptance, has been found to be more common in men than women (e.g., Johnson, Kuck, & Schander, 1997; McMahon, 2010), and men with high, compared with low, rape myth acceptance have been found to

interpret ambiguous cues from a female responder as more indicative of sexual interest (Abbey & Harnish, 1995; Burt, 1980; Kowalski, 1993). Similarly, sexist attitudes have been reported more often by men than women (e.g., Glick & Fiske, 1996) and are associated with perceptions of sexual intent in women (e.g., Willard & Pollard, 2003).

We found that both rape myth acceptance and hostile sexism were both positively associated with the belief that the initiator should assume consent when the response was relatively more ambiguous (i.e., Positive, Unclear, and Clear Negative). Consent ratings of Positive-reciprocal responses were not correlated with either of these measures, possibly because this response type category is the least ambiguous—it includes only three items, all of which describe the responder as playing a role in initiating sex. In other words, our results do not indicate that individuals low in rape myth acceptance and hostile sexism think that an initiator should *never* assume that the responder is consenting. Rather, these individuals tend to only assume consent when the response is clear (i.e., when a Positive-reciprocal response is used), and not when the response is ambiguous (i.e., Positive or Unclear responses) or negative (i.e., Clear Negative). These results suggest that rape myth acceptance and hostile sexist attitudes are both part of a constellation of beliefs that skewed participants toward assuming consent. Because men generally initiate sex more often than women do, the practical implication of these results is that men high on rape myth acceptance and hostile sexism are biased toward assuming a *woman's* consent.

Rape myth acceptance was found to be a stronger predictor of consent ratings than hostile sexism was, and accounted for the relationship between hostile sexism and consent ratings. We found that rape myth acceptance partially explained the participant gender effect. In other words, male (compared with female) participants' increased belief in rape myths was associated

with an increased tendency to indicate that an initiator should assume consent. This finding suggests that men's greater belief in rape myths (compared with women's) may be one reason why men gave higher consent ratings than women did. It's not simply that men gave high consent ratings because they were men—rather, men tended to have higher rape myth acceptance, and these rape myth beliefs influenced their perceptions of consent.

However, it is unclear why rape myth beliefs explain male participants' tendency to making higher consent ratings *regardless* of the responder's gender. Rape myth beliefs may be understood as part of a general set of attitudes/beliefs suggesting that men should generally assume consent and the responsibility for stopping the man is placed on the woman. Perhaps, despite the fact that all of the IRMA items describe male initiators and female responders, agreement with these items is associated with more general attitudes about initiators and responders, regardless of gender. In other words, it may be that participants' beliefs about male responders are similar to their beliefs about female responders. Thus, if the scale contained items about rape involving a female perpetrator (i.e., initiator) and a male victim (i.e., responder), we might suspect that the scores would be highly correlated with the original IRMA scale scores. For example, participants who agree strongly with the statement, "If a woman is willing to 'make out' with a guy, then it's no big deal if he goes a little further and has sex" (IRMA-SF item #13) may also strongly agree with the statement, "If a man is willing to 'make out' with a girl, then it's no big deal if she goes a little further and has sex." Yet given that the participant gender effect was still significant even after accounting for the indirect effect through rape myth acceptance, it is important not to overstate the role that rape myth acceptance was found to play in explaining the participant gender effect.

Responder Gender

As predicted, we found that regardless of how the sexual encounter was initiated, participants rated the female responder's Clear Negative responses as less indicative of consent than the male responder's Clear Negative responses. Many consent studies have focused on interpretations of only a female's responses, so this effect contributes to the literature by enhancing what little is known about interpreting a male's responses. There are a number of potential explanations for this finding.

One possible explanation for this finding can be drawn from the literature on sexual script theory (Edgar & Fitzpatrick, 1993; Gagnon & Simon, 1973, 1987; Simon & Gagnon, 1986). Sexual scripts are cognitive frameworks that delineate how people are expected to behave in sexual situations. They are learned through socialization and are used to make judgments and interpretations of sexual situations. The most pervasive sexual script in North America is known as the traditional sexual script (TSS) and is often endorsed by college students (e.g., Jozkowski & Peterson, 2013). The TSS purports that men have strong sexual needs, are obsessed with sex, and are highly motivated to have sex, whereas women are depicted as having few sexual needs, being sexually resistant, and being slow to arouse (Byers, 1996). We found support for these beliefs to be present in participants' qualitative data. Many participants stated that "men are more willing to have sex" than women (Participant #40, male), that "males are more likely to want to have sex than females most of the time" (Participant #62, male) and that "guys rarely ever say no" (Participant #87, female). The assumption within the TSS that men want sex more than women do may have led to participants to believe that even when a man gives a Clear Negative signal, it is relatively more reasonable for the female initiator to assume that he consents. In other words, a female responder's Clear Negative signal should be taken more seriously (i.e., as indicating less consent) than a male responder's Clear Negative because she

probably wants sex less than the male responder does. Maybe participants believed that even when men do not communicate their consent to sex, they would still have sex. For example, one participant wrote that, “Most, if not all, guys will definitely [have sex] without having to give consent” (Participant #197, male).

Another aspect of the traditional sexual script that might help explain why participants perceived male responder’s Clear Negative signals as indicating relatively more consent than a female responder’s Clear Negative signals is that men’s worth and status is perceived to increase with more sexual experience. It is possible that participants believed that even if a man did not want to have sex, he might consent to it in order to increase his social status or to avoid experiencing negative consequences. For example, Muchlenhard and Cook (1988) found that men, compared with women, were more likely to report that they engaged in unwanted sexual activity because of “peer pressure” and a “desire for popularity.”

When asked about their “default” or general assumptions are about consent (i.e., what someone should do if they want to have sex with a new partner), most participants (85.3% of women and 66.7% of men) indicated that both a male initiator and a female initiator should assume that their partner has not consented until the partner expresses consent. Other participants (about 9.5% of women and 9.5% of the men) indicated that the initiator should assume both a female and a male responder’s consent until nonconsent was expressed. However, some participants (about 5% of women, but 23.8% of men) indicated that the initiator should assume *women’s nonconsent*—but *men’s consent*—until the opposite was expressed. No one indicated the converse; that is, no one indicated that the initiator should assume *women’s consent* but *men’s nonconsent* until the opposite was expressed. In summary, fewer than 1 in 10 participants thought that men should assume women’s consent. In contrast, approximately 1 in 7

of the female participants—and 1 in 3 of the male participants—thought that women should assume men’s consent. Surprisingly, for the other three response types (Positive-reciprocal, Positive, and Unclear) this perceived difference in consent ratings based on responder gender emerged only when the sexual encounter was initiated verbally. The next section examines this finding in more detail.

Initiation Type

We found that the way sex was initiated did not affect participants’ perceptions of a male responder’s behaviors, but that it did affect the participants’ perceptions of a female responder’s behavior. Specifically, participants perceived the female’s responses as more indicative of consent when she gave a Positive-reciprocal, Positive, or Unclear response to a nonverbal initiation rather than to a verbal initiation. In other words, if the woman’s response was anything other than a Clear Negative response, participants agreed more that the man should assume consent if he was starting to take off her jeans, than if he had asked, “Do you want to have sex?” It is important to note that these results were found regardless of participant gender, indicating that type of sexual initiation affected men’s and women’s responses similarly. These results raise the question of why this occurred.

One explanation could relate to the traditional sexual script, which involves a sequence of sexual behaviors in the following order: “kissing ... touching through the clothing ... touching under the clothing ... then finally [oral sex] or coitus” (Gagnon & Simon, 1973, pp. 75-76; also see Geer & Broussard, 1990). This script does not include verbal initiation, and most men report rarely initiating sex verbally (e.g., Beres, et al., 2004; Byers & Lewis, 1988; Cupach & Metts, 1991). It seems likely that in the nonverbal initiation condition, participants recognized the sequence of behaviors as consistent with this sexual script and thus thought that the male initiator

should assume the female responder's consent, to the extent that she seemed positive about the situation.

Related to this explanation, another aspect of the traditional sexual script is the idea that it is acceptable for the man to continue through this sequence of sexual behaviors until the woman refuses or resists. Applying this script to the nonverbal initiation vignettes, if the woman did not clearly object to a man starting to take off her jeans (such as by saying "no" or physically stopping him), her behavior could be interpreted as implicitly consenting to sex to some degree. In response to the questions about participants' preferences for assuming either consent or nonconsent until the opposite was stated, several participants endorsed support for this script. For example, one participant wrote that "if you are a guy hooking up with a girl, if she never stops you and it leads into sex, she gave consent. If she didn't want [sex], she could have said, 'no'" (Participant #60, female). Another participant wrote that "if [a woman] does not want [sex], it's her responsibility to be strong enough to say 'no,' and [if she does not,] she should not be in that [situation] in the first place" (Participant #26, female).

There are also several possible explanations for why participants' consent ratings were *lower* for the verbal-initiation condition than the nonverbal-initiation condition. Perhaps the man's verbal initiation disrupted the traditional sexual script. Because the traditional script is nonverbal, the man's asking, "Do you want to have sex?," let participants know that the encounter was not adhering to the traditional script and that they had to approach their decisions about sexual consent on a different basis. That is, when an initiation deviates from the traditional script, perhaps participants become more cautious about consent and are less likely to assume that lack of resistance equals consent.

Another possible explanation is that participants had expectations about how a woman would express consent if a man asked, “Do you want to have sex?” For example, perhaps they expected her to respond directly to his question by saying something like, “Yes, I do,” or “That sounds great!”—not by opening a condom or by saying, “It looks like you’re gonna get laid,” or, “You are so sexy.” When participants considered behaviors that made relatively less sense as responses to the verbal initiation than the nonverbal initiation, participants might have been more tentative about whether the man should interpret the woman’s response as consent. Therefore, the lower consent ratings in the verbal-initiation condition than in the nonverbal-initiation condition might have been an artifact of our struggle to find responses that would make sense in either initiation type scenarios. Based on this study, we cannot conclude that participants would have interpreted *any* positive response to a nonverbal initiation as more indicative of consent than the same response to a verbal initiation.

Our findings on the effects of initiation type also raise the question of why participants seemed less sensitive to context (i.e., initiation type) in decisions about whether men’s consent should be assumed when they interpreted a male responder’s behavior. One idea is that participants were again falling back on the stereotype that “men always want sex and are always ready for it” when judging a less traditional (and less common) situation in which a woman initiates sex with a man. If this were the case, they may pay less attention to other situational variables such as initiation type. However, the fact that participants did not make uniformly high consent ratings for male responders across response type suggests that participants did take into account the male responder’s signals. Another possibility is that participants believed that it was more acceptable to assume that a male, compared with a female, responder had consented to sex (regardless of the context), based on the cultural belief that men are less likely to be sexually

coerced or raped than women are. For example, one participant wrote that “Men are at a much easier advantage to say ‘no’ or walk away—women do not typically sexually harass men, so in my opinion, it is safe to assume [that men consent unless they express otherwise]” (Participant #97, male). Other participants stated that unlike women, “men can stop [sex] from happening” (Participant #165, male) and that “Men usually will be more resistant [than women] if they do not want sex” (Participant #40, male).

Implications

Perhaps the most important contribution of the present study is that it provides a preliminary understanding of how college students think an initiator *should* interpret the meaning of various responses. Previous studies have asked participants about how they have signaled sexual consent in their own life (e.g., Hall, 1998), which has enhanced understanding of how prevalent various responses are. However, knowing how often a specific response is used does not have direct implications for how participants think the behavior should be interpreted. Other studies have asked about how participants would interpret a hypothetical partner’s behavior (e.g., Hickman & Muehlenhard, 1999), which has improved understanding of how indicative of consent participants perceive various responses to be. However, such studies do not provide information on when participants think an initiator *should* assume that a responder’s behavior indicates consent. The results from the present study offer a basic understanding of the degree to which students believe an initiator should assume that a response indicates consent to sexual intercourse.

This may be useful background information to student sexual misconduct hearing boards that are faced with the task of deciding whether or not an alleged incident (involving a college student) is consistent with the college’s definition of sexual violence, thereby representing a

violation to Title IX. Colleges have been instructed to define acts of sexual violence as acts occurring without the responder's "consent" (OCR, 2011, p. 1); some college policies even explicitly state that it is the initiator's responsibility to make sure that he/she has obtained consent from the responder (e.g., *University of Kansas*, 2012, p. 3; *Bucknell University*, 2013/2014, p. 3). Often in cases of sexual violence, the accused-initiator argues that the complainant-responder *did* indicate consent to the sex act, and the complainant-responder argues that she/he *did not* indicate consent to the sex act. Thus, in some cases that come before the hearing board, board members may try to decide whether an accused-initiator *should have* assumed sexual consent, based on the complainant-responder's behaviors.

Our study investigated students' opinions about whether the initiator should assume consent based on various responses. Referring to our findings on perceived normative interpretations of responses, board members may more readily identify interpretations from the accused-initiator that are outside the norm. Hearing board members may choose to interpret an accused-initiator's outside-the-norm assumptions as evidence that the complainant-responders had not consented. Because miscommunication is an unlikely explanation for rape (Hickman & Muehlenhard, 1999), we anticipate that hearing boards would be more likely to label an incident as sexual violence when the accused-initiator has described inferring consent from a response that was rated by our participants as unreasonable to interpret as consent.

On the other hand, these norms might conflict with a university's policy on consent. If so, then it might be useful for campus officials to know that KU student norms do not reflect the standards that the university regards as important (or the standards to which the university aspires). Our data may suggest topics that can be covered in the University of Kansas' (KU) annual student training on preventing sexual harassment and sexual violence. For example, we

found that participants interpreted the same responses differently depending on whether the responder was male or female—in many cases, participants viewed a male’s response as more indicative of consent than a female’s response. Because KU uses gender-neutral definitions of consent and sexual violence, university officials may decide that it is important to include training about the standards that women and gay men need to meet before they can safely assume a man’s consent during a sexual situation.

Results from our study may also emphasize the importance of having an explicit definition of sexual consent accessible to students so that they are more aware of when KU believes an initiator has obtained consent (thereby not committing an act of sexual violence). To date, the KU website (nor its external links to other resources) does not contain the definition of sexual consent that KU uses when evaluating cases of alleged acts of sexual violence. Students could more easily identify discrepancies between their interpretation of how a response should be interpreted and KU’s interpretation if the following definition of sexual consent was available online. According to an unpublished handbook from 2012 that was used to train KU sexual misconduct board members, consent is defined as

words or actions that show an active, knowing and voluntary agreement to engage in mutually agreed-upon sexual activity ... Consent cannot be gained by force, by ignoring or acting without regard to the objections of another, or by taking advantage of the incapacitation of another, where the accused knows or reasonably should have known of such incapacitation ... Consent is also absent when the activity in question exceeds the scope of consent previously given ... A person always has the right to revoke consent at any time during a sexual act. Failure to say “no” does not imply consent. (University of Kansas, 2012, p. 3)

Additionally, during the annual student training on sexual harassment/violence, KU may choose to explicitly describe specific discrepancies between how students and KU officials interpret specific responses. For example, KU may decide to explain to students that although they may believe that “pulling away” is a clear indication that consent should not be assumed, or that “getting out a condom and opening it” should clearly indicate consent, these responses may not be interpreted the same way according to KU policies. One discrepancy that might be particularly important to alert students about is that KU does not view commonly-used passive responses (e.g., failure to say “no” or not resisting the initiator’s sexual advances) as even a slight indication of consent. Students may be surprised to learn that although the norm is to interpret such responses as indicating consent (at least to some degree), their use or interpretations of such responses in past sexual encounters may have been considered by KU as acts of sexual violence.

Future Directions

The vignettes we presented to participants depicted a specific situation and may not generalize to other types of first-time sexual situations between acquaintances. We also held a number of factors constant in the present study (i.e., level of acquaintance, settings of the vignette), which further limits our ability to generalize our findings across different types of situations. Other studies could investigate whether the factors examined in the present study affect perceptions of consent in other types of sexual situations. It is also possible that the factors held constant in the present study may interact with our variables of interest. Although it is unrealistic for researchers to endeavor to isolate all germane factors, it may be possible for researchers to isolate other factors that may interact with our variables of interest (e.g., Does alcohol intoxication level interact with responder gender to influence perceptions of consent?).

Furthermore, given that the present study asked participants to interpret vignettes involving only heterosexual activity, future research is needed to investigate whether participants' perceptions of consent differ for same-sex encounters.

Additionally, more qualitative data may help to illuminate *why* some participants' perceptions of consent may vary according to factors such as participant gender, responder gender and initiation type. This might be achieved by a diary or interview method, or by simply asking participants to explain each of their consent ratings in a quantitative questionnaire similar to what we used. Another option would be for future qualitative researchers to ask participants what guidelines they would recommend to determine whether someone is consenting to sex. For example, what guidelines (if any) would they recommend that the *initiator* use to determine if someone is consenting to sex? What guidelines (if any) would they recommend that the *responder* use to communicate his/her consent or nonconsent? Another idea is that researchers could instruct participants to read several fabricated cases of alleged sexual violence incidents that they believe have been evaluated by a college's sexual misconduct hearing board. Participants could then be asked a variety of questions about their perceptions of each case, as well as the process they used to arrive at a final decision of whether or not the case was an incident of sexual violence. Researchers could manipulate a number of variables within the framework of a study like this. For example, it might be interesting to test how providing some participants with additional information to use while judging the cases (e.g., the college's official definitions of sexual violence and consent) might affect their perceptions and decisions related to the case. From a study like this, researchers may be able to develop some general guidelines that participants think should be used by a sexual misconduct hearing board.

Many previous studies have examined how often college students use various behaviors to consent or the degree to which they think that different responses indicate consent. However, to our knowledge, our study was the first to ask participants about how they think an initiator *should* interpret a responder's behaviors as indicative of consent. A limitation of having participants make judgments about what an initiator should assume is that our consent ratings are not a measure of what participants think the responses actually mean (in terms of consent). In other words, even if a participant indicated that an initiator should "definitely not" assume that the responder was consenting, it does not necessarily imply that the participant perceived the responder as nonconsenting. In future research, it would be interesting to look at both how participants perceive the behavior to be indicative of consent and how participants think initiators should interpret the behavior. For example, some participants may believe that initiators should be more conservative in their estimations of consent, even when participants perceive the behaviors as highly indicative of consent.

In this study, we manipulated initiation type. To compare responses across initiation type, however, we had to ask participants to give consent ratings for the exact same responses in both initiation conditions; therefore, we attempted to choose responses that were relatively context independent. As noted above, some of the responses did not make as much sense when following a verbal initiation than a nonverbal initiation (e.g., saying "you are sexy" in response to being asked, "Do you want to have sex?"), and some of the responses that would have made sense following a verbal-initiation condition were not included because they would not have made any sense in the nonverbal-initiation condition (e.g., saying "Yes, I do" was not included as a possible response to being asked, "Do you want to have sex?"). This issue highlights an important point about consent: *The meaning of a response is often context dependent.* Thus,

although we found that initiation type affected participants' consent ratings, this methodological limitation undermines our ability to conclusions about differences in consent based on initiation type.

In the present study—and other studies of consent—participants were asked to rate one response at a time. In actual sexual situations, participants evaluate patterns of responses, and they evaluate those behaviors in the context of various situations. Further studies might investigate sequences of sexual behaviors and how the order of responses affects participants' interpretation of consent. For instance, would participants judge an Unclear response differently if it was given after the responder first gave a Clear Negative rather than after a Positive-reciprocal response? Although it is not possible to fully capture the complex dynamics of back-and-forth sexual exchanges, we could get some idea of how the sequence of behaviors affects participants' inferences about consent. Future studies could have participants view a sequence of behaviors (involving multiple exchanges of behaviors between the initiator and responder) in which the order of the behaviors is manipulated and consent ratings of behaviors are given at multiple time points during the sequence.

In conclusion, it is our hope that consent research, past, present and future, will provide colleges with a valuable tool to use as they play their part in the nation-wide endeavor to reduce college sexual violence. Since the Dear Colleagues letter (OCR, 2011) clarified that sexual violence constitutes a violation of Title IX of the Education Amendments of 1972, colleges have been urged to take more responsibility in preventing, investigating, and responding to incidents of sexual violence. Given the importance of this task, its challenging nature, and the flexibility that schools are allotted in their efforts to improve their handling of sexual violence, it is likely that colleges are seeking information on how to improve their sexual violence policies and

procedures now more than ever. Indeed, on May 1st 2014, the U.S. Department of Education announced (for the first time) a list of 55 colleges that are now under investigation for allegedly mishandling complaints of sexual violence. As colleges pursue and evaluate new methods of reducing and managing incidents of sexual violence, they may benefit from information provided by peer-reviewed empirical studies on sexual consent, sexual violence, and rape prevention programs. Additionally, we hope that our study will be followed by many other studies designed with the underlying goal of attempting to provide information that may aid colleges, even in a very small way, in their effort improve their approach to sexual violence on campus.

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Appendix A

Demographics and Sexual History

Information About You

Gender:

- ☐ Male
- ☐ Female
- ☐ Gender variant _____

Age: _____

Race/Ethnicity:

- ☐ African American/Black
- ☐ Asian American
- ☐ European American/White
- ☐ Hispanic American/Latino/Latina
- ☐ Native American/American Indian
- ☐ Biracial/Multiracial
- ☐ Other _____

Are you an international student?

- ☐ Yes
- ☐ No

Sexual Orientation:

- ☐ Heterosexual (straight)
- ☐ Homosexual (gay/lesbian)
- ☐ Bisexual
- ☐ Other _____

Has your sexual behavior been:

- ☐ Only with males
- ☐ Mostly with males
- ☐ Equally with males and females
- ☐ Mostly with females
- ☐ Only with females
- ☐ Not applicable/no sexual experience
- ☐ Other _____

Which best describes your political orientation?

- ☐ very conservative
- ☐ somewhat conservative
- ☐ moderate
- ☐ somewhat liberal
- ☐ very liberal
- ☐ Other _____

What best describes your current relationship(s)?

- ☐ Never dated anyone
- ☐ Not dating anyone now
- ☐ Dating one person casually (i.e., with no agreement to be exclusive)
- ☐ Dating more than one person casually (i.e., with no agreement to be exclusive)
- ☐ Dating one person exclusively
- ☐ Engaged or married
- ☐ Other _____

How many people have you had sexual intercourse with? _____
Have you ever had sexual intercourse that was . . . (check all that apply)

- ☐ consensual
- ☐ nonconsensual
- ☐ somewhere in between consensual and nonconsensual
- ☐ Not applicable (haven't had intercourse)

Have you ever had sexual intercourse that . . . (check all that apply)

- ☐ You initiated
- ☐ Your partner initiated
- ☐ Was mutually initiated (both you and your partner)
- ☐ No one really initiated, it just happened

Under what circumstances are you filling out this questionnaire?

- ☐ At my home/apartment/dorm
- ☐ In a campus building
- ☐ Other _____

Appendix B

Vignette Questionnaires

- Two KU students just met at a large party.
- They started talking and realized that they were in the same class.
- At the party, they each had a few drinks but were not drunk.
- They went to one of their places nearby to continue hanging out. They began making out, lying on the couch.
- Now, he asks her, "Do you want to have sex?" (hoping that this will lead to sexual intercourse).

Please answer these 3 questions about the situation:

How well did they know each other?		Were they drunk?		Who asked, "Do you want to have sex?"	
They were classmates ○	They were boyfriend/girlfriend ○	No ○	Yes ○	He asked. ○	She asked. ○

Now, suppose that she responds by . . .

	Should he assume that she is consenting to intercourse?								No		Yes
	Definitely NOT				Unsure				Definitely		
... stroking his penis.	○	○	○	○	○	○	○	○	○	○	○
... giving him oral sex.	○	○	○	○	○	○	○	○	○	○	○
... helping him undress her and then taking off his clothes.	○	○	○	○	○	○	○	○	○	○	○
... putting his hand down her underwear.	○	○	○	○	○	○	○	○	○	○	○
... saying nothing and continuing to make out.	○	○	○	○	○	○	○	○	○	○	○
... letting him take off her clothes.	○	○	○	○	○	○	○	○	○	○	○
... not resisting his advances.	○	○	○	○	○	○	○	○	○	○	○
... saying, "This is not a good idea," but continuing to touch him.	○	○	○	○	○	○	○	○	○	○	○
... saying, "I'm not sure we should," while undoing his pants.	○	○	○	○	○	○	○	○	○	○	○
... saying, "We can have sex if you really want to," and beginning to look uneasy.	○	○	○	○	○	○	○	○	○	○	○
... smiling.	○	○	○	○	○	○	○	○	○	○	○
... saying, "You are so sexy."	○	○	○	○	○	○	○	○	○	○	○
... saying, "I want you."	○	○	○	○	○	○	○	○	○	○	○
... turning off the lights.	○	○	○	○	○	○	○	○	○	○	○
... saying, "I'm tired and I have to get up early."	○	○	○	○	○	○	○	○	○	○	○
... getting a worried look on her face.	○	○	○	○	○	○	○	○	○	○	○
... pulling away.	○	○	○	○	○	○	○	○	○	○	○
... suggesting that they go get something to eat.	○	○	○	○	○	○	○	○	○	○	○
... frowning and shaking her head "no."	○	○	○	○	○	○	○	○	○	○	○
... saying "No."	○	○	○	○	○	○	○	○	○	○	○
... saying, "I really like you. Let's not have sex yet."	○	○	○	○	○	○	○	○	○	○	○
... getting up and leaving.	○	○	○	○	○	○	○	○	○	○	○
... getting out a condom and opening it.	○	○	○	○	○	○	○	○	○	○	○
... saying, "This couch is uncomfortable. Let's have sex somewhere else."	○	○	○	○	○	○	○	○	○	○	○
... saying, "It looks like you're going to get laid."	○	○	○	○	○	○	○	○	○	○	○
... not stopping him from having sex with her.	○	○	○	○	○	○	○	○	○	○	○

Comments? _____

Now consider another situation, which is similar to the first situation, but slightly different.

- **Two KU students just met at a large party.**
- **They started talking and realized that they were in the same class.**
- **At the party, they each had a few drinks but were not drunk.**
- **They went to one of their places nearby to continue hanging out. They began making out, lying on the couch.**
- **Now, he starts to take off her jeans (hoping that this will lead to sexual intercourse).**

Again, please answer these 3 questions about the situation:

How well did they know each other?		Were they drunk?		Who starts to take off the other person's pants?	
They were classmates ○	They were boyfriend/ girlfriend ○	No ○	Yes ○	He asked. ○	She asked. ○

Now, suppose that she responds by . . .

	Should he assume that she is consenting to intercourse?								No Yes	
	Definitely NOT		Unsure		Definitely					
... stroking his penis.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... giving him oral sex.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... helping him undress her and then taking off his clothes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... putting his hand down her underwear.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... saying nothing and continuing to make out.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... letting him take off her clothes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... not resisting his advances.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... saying, “This is not a good idea,” but continuing to touch him.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... saying, “I’m not sure we should,” while undoing his pants.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... saying, “We can have sex if you really want to,” and beginning to look uneasy.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... smiling.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... saying, “You are so sexy.”	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... saying, “I want you.”	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... turning off the lights.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... saying, “I’m tired and I have to get up early.”	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... getting a worried look on her face.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... pulling away.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... suggesting that they go get something to eat.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... frowning and shaking her head “no.”	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... saying “No.”	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... saying, “I really like you. Let’s not have sex yet.”	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... getting up and leaving.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... getting out a condom and opening it.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... saying, “This couch is uncomfortable. Let’s have sex somewhere else.”	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... saying, “It looks like you’re going to get laid.”	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
... not stopping him from having sex with her.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	

Comments? _____

Z

Appendix D

Illinois Rape Myth Acceptance Scale, Short form (IRMA-SF)

Please indicate how much you agree with the following statements.

[illegible]

Appendix E

Consent Form

Internet Information Statement

The Department of Psychology at the University of Kansas supports the practice of protection for human subjects participating in research. The following information is provided for you to decide whether you wish to participate in the present study. You should be aware that even if you agree to participate, you are free to withdraw any time without penalty.

We are conducting this study to better understand college students' perceptions of sexual consent. We will ask you to complete a survey. Your participation is expected to take about 30 minutes. By participating in this study, you will receive two credits toward your research requirement for Psyc 104, or you will receive a bonus point toward your grade for Psyc 120 this semester.

Your participation is solicited, although it is strictly voluntary. Your responses will be kept completely confidential. That is, your name will not be associated in any way with the research findings. Your identifiable information will not be shared unless (a) it is required by law or university policy, or (b) you give written permission. Although it is unlikely, with internet communications, it is possible that through intent or accident someone other than the intended recipient may see your responses.

Your responses will be completely anonymous. If you consent to participate in the study, we will ask you to write your name in the box below. You can then click on a link to the questionnaire. We need your name so that we can grant you the credit for participating in this research, but your name and responses will be kept separate and will not be associated in any way.

The content of this survey should not cause any more discomfort than you would experience in your everyday life. We believe that the information obtained from this study will help us gain a better understanding of the process by which college students express and interpret consent to sexual intercourse.

If you would like additional information concerning this study before or after it is completed, please feel free to contact us by phone, email, or mail. If you have any additional questions about your rights as a research participant, you may call (785) 864-7429 or write to the Human Subjects Committee Lawrence Campus (HSCL), University of Kansas, 2385 Irving Hill Road, Lawrence, Kansas 66045-7563, email irb@ku.edu.

Please write your name in the box below to indicate that you have read the consent form, that you are willing to participate in the study, and that you are at least 18 years old.

Sincerely,

Michelle Kanga, M.A.
Principal Investigator
Department of Psychology
Fraser Hall
University of Kansas
Lawrence, KS 66045
mkanga@ku.edu

Charlene Muehlenhard, Ph.D.
Faculty Supervisor
Department of Psychology
Fraser Hall
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Appendix F

Debriefing Form

Many students experience rape and other forms of nonconsensual sex during their time in college. This problem is complicated because the distinction between consensual and nonconsensual sex is not always clear. Many individuals convey their consent only indirectly—that is, they use signals that require the other person to make inferences about the meaning of the signal. This lack of clarity could make it difficult for the other person—and for a university disciplinary panel—to determine whether or not it was reasonable to assume that the individual had consented.

The purpose of the proposed study is to investigate how college students interpret various verbal and nonverbal behaviors in a hypothetical sexual situation involving two typical students—that is, what behaviors do college students interpret as signaling consent or nonconsent. Data gathered from this questionnaire will be used for Michelle Kanga's dissertation study.

Here are some of the questions we will be asking:

- How indicative of consent do most students perceive these behaviors?
- Do female and male college students interpret these behaviors similarly or differently?
- Some of you read situations in which a *man* was trying to initiating sex; others read situations in which a *woman* was initiating sex. Does the gender of the initiator affect how students interpret the behaviors?

We want to mention that, regardless of what experiences anyone has had in the past, it is important to take a partner's signals seriously and not to have sex until you get a *clear* signal that he/she is willing. If you perceive your partner's signal to be ambiguous, the best way to clarify the situation is to directly ask them whether or not they are willing to have sex at that time. **Thank you** for your participation in this study!

Because of the nature of this research and the personal questions that it involved answering, you may have questions or issues that you would like to discuss further. We have provided information about how to contact us in case you would like to talk about your feelings concerning your participation in this study. We have also listed the phone numbers of some organizations on campus and in Lawrence that provide counseling services in case your participation in this study has raised some issues that you want to talk about with someone.

The graduate student conducting this study:

Michelle Kanga

Email: mkanga@ku.edu

The faculty advisor for this study:

Charlene Muehlenhard, Ph.D.

Phone: (785) 864-9860

Email: charlene@ku.edu

Counseling services:

- KU Psychological Clinic, 315 Fraser Hall, (785) 864-4121. Small fee per session.
- Counseling and Psychological Services (CAPS), Watkins Health Center, (785) 864-9580. Small fee per session.
- Headquarters Counseling Center, available 24/7, free of charge, for any concern: (785) 841-2345. No charge.

To discuss your rights as a research participant: Human Subjects Committee Lawrence, (785) 864-7429, hscl@ku.edu